



Sen. Iris Y. Martinez

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LRB099 03368 RLC 33999 a

1 AMENDMENT TO SENATE BILL 208

2 AMENDMENT NO. _____. Amend Senate Bill 208 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 16-27 as follows:

6 (720 ILCS 5/16-27)

7 Sec. 16-27. Civil liability.

8 (a) A person who commits the offense of retail theft as
9 defined in subdivision (a)(1), (a)(2), (a)(3), or (a)(8) of
10 Section 16-25 shall be civilly liable to the merchant of the
11 merchandise in an amount consisting of:

12 (i) actual damages equal to the full retail value of
13 the merchandise; plus

14 (ii) an amount not less than \$50 ~~\$100~~ nor more than
15 \$1,000; plus

16 (iii) attorney's fees and court costs.

1 (b) If a minor commits the offense of retail theft, the
2 parents or guardian of the minor shall be civilly liable as
3 provided in this Section; however, a guardian appointed
4 pursuant to the Juvenile Court Act of 1987 shall not be liable
5 under this Section. Total recovery under this Section shall not
6 exceed the maximum recovery permitted under Section 5 of the
7 Parental Responsibility Law. For the purposes of this Section,
8 "minor" means a person who is less than 19 years of age, is
9 unemancipated, and resides with his or her parent or parents or
10 legal guardian.

11 (c) A conviction or a plea of guilty to the offense of
12 retail theft is not a prerequisite to the bringing of a civil
13 suit under this Section.

14 (d) Judgments arising under this Section may be assigned.
15 (Source: P.A. 97-597, eff. 1-1-12.)".